

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS (INCLUDING AIRPORT; DPW; WARREN COUNTY SEWER AND PARKS, RECREATION & RAILROAD)

DATE: MAY 27, 2008

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS BELDEN	REPRESENTING THE FLOYD BENNETT MEMORIAL AIRPORT:
BENTLEY	DON DEGRAW, MANAGER
TESSIER	REPRESENTING THE DEPARTMENT OF PUBLIC WORKS:
STEC	WILLIAM LAMY, SUPERINTENDENT
MERLINO	JEFFREY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING
HASKELL	GEORGE VAN DUSEN, PROJECT ENGINEER
CHAMPAGNE	REPRESENTING THE PARKS, RECREATION & RAILROAD DEPARTMENT:
TAYLOR	PAUL BUTLER, DIRECTOR
GOODSPEED	FREDERICK MONROE, CHAIRMAN
	PAUL DUSEK, COUNTY ATTORNEY
	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
	JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
	JOAN SADY, CLERK OF THE BOARD
	NICOLE LIVINGSTON, DEPUTY CLERK OF THE BOARD
	SUPERVISOR GERAGHTY
	MARK McLAIN, SOUTH WARREN SNOWMOBILE CLUB
	REPRESENTING ESMI FLIGHT SERVICES:
	MICHAEL J. O'CONNOR ESQ.,
	TODD COCHRAN, D.A. COLLINS
	MERILE LATTERELL
	FRED AUSTIN, BUILDING PROJECT COORDINATOR
	LEONARD FOSBROOK, PRESIDENT OF THE WARREN COUNTY ECONOMIC DEVELOPMENT CORPORATION
	KIM LUSSIER, EMPIRE EAST AVIATION
	JUDY BUTLER, TOWN OF QUEENSBURY RESIDENT
	DONALD E. HESS, CITY OF GLENS FALLS RESIDENT
	CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST
	SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST
	AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to approve the minutes from the April 29, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Donald DeGraw, Airport Manager, who distributed copies of the Airport agenda to the Committee members. *A copy of the agenda is on file with the minutes.* Beginning the New Business portion of the agenda, Mr. DeGraw advised that Item 2 pertained to the proposed land lease agreement with ESMI Flight Services (*affiliated with D.A. Collins*) for construction of t-hangars at the County Airport and he

introduced Michael J. O'Connor Esq., legal representative of ESML, to speak on this matter.

Mr. O'Connor Esq. apprised that he and his client had reviewed the lease proposal extensively with Paul Dusek, County Attorney, and agreed on all terms except the lease price, which was listed as \$.50 per square foot. He explained that their view of the lease fee being overinflated was substantiated by his research of such charges in surrounding areas, which averaged between \$.10 and \$.15 per sq. ft. Mr. O'Connor added that comments made by Richard Schermerhorn, of Schermerhorn Estate Holdings, at the previous Committee meeting had added to their belief as Mr. Schermerhorn had expressed that the \$.50 per sq. ft. charge was appropriate for commercial hangars that would be rented to owners of jets and larger aircraft, such as his own were, but not for the smaller private aircraft that would be using the t-hangars constructed by ESML.

In determining the average land lease rates charged for surrounding areas, Mr. O'Connor Esq. advised that he had consulted a study performed by the State of Vermont in 2005 with regards to this issue. He cited that a rate of \$.14 per sq. ft. was being charged in Fulton County while \$.10½ per sq. ft. was charged in Schenectady County; however, he noted, the Schenectady County charge included \$1,500 per year in taxes for use of the property. Mr. O'Connor Esq. said that the lease agreement proposed by Warren County included provisions that would make his client responsible for any additional fees if the assessing authority decided to tax improvements to the Airport property.

He pointed out that if the improvements were taxed, his client anticipated that they would be billed in the neighborhood of \$1,500, which he approximated would equate to an additional \$.10 per sq. ft. In light of the high rate included in the County's lease proposal and the possibility of his client being responsible for taxes attributed to land improvement, Mr. O'Connor Esq. suggested that a beginning rate of \$.20 per sq. ft. be charged with a fixed incremental increase over a three to five year period.

Mr. Tessier advised that prior to making any change in the rate they should review the research performed previous to developing the Schermerhorn lease, which had yielded the \$.50 per sq. ft. rate, to determine what factors had led to this rate. He added that they should also research the sources provided by Mr. O'Connor Esq. to confirm that the information was accurate and was based upon the same type of land lease arrangements.

Pursuant to discussion on the matter, it was the consensus of the Committee that Mr. O'Connor Esq. should provide Mr. DeGraw with copies of the information he had gathered on lease rates and Mr. DeGraw should perform his own comparison and research to determine their accuracy and present his findings at the next Committee meeting.

In response to his concern that delaying a decision on the lease agreement would prevent the item from being presented at the June 20th Board meeting, Mr. Haskell advised Mr. O'Connor Esq. that it was likely that a special meeting of the Public Works and Public Safety Committees would be called prior to the June Board meeting and this issue could be addressed then.

Resuming the Agenda review, Mr. DeGraw presented Item 3 which included a request to authorize the Chairman of the Board of Supervisors to execute the State grant recently received for Taxi-lane construction at the County Airport.

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to approve the request to authorize the Chairman of the Board of Supervisors to execute the amended State grant agreement for Taxi-lane

construction pursuant to Resolution No. 295 of 2008 and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Dusek left the meeting at 9:50 a.m.

Mr. DeGraw advised that Agenda Item 4 pertained to a request for a new contract with the FAA (Federal Aviation Administration) for Navigational-Aid agreements. He explained that a letter had been received from the FAA requesting the new contract which would convert current no cost lease agreements to Memorandum of Agreements (MOA) in order to simplify the paperwork included in the process and in doing so save time and money. *A copy of the letter from the FAA is included in the agenda.*

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried unanimously to approve the request for a new contract with the FAA as outlined above and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

Agenda Item 5, Mr. DeGraw stated, referred to a request to amend Resolution No. 160 of 2006 and the Firearms Policy which restricted firearms and other weapons in or on County buildings, worksites or vehicles. He explained that the amended policy would allow properly trained Airport employees to use shotguns, rifles and pyrotechnic devices (*cracker shells, handheld screamer/banger devices*) to disperse, harass and remove wildlife at the Airport which were causing hazard to aircraft. Mr. DeGraw added that the previous Firearms Policy limited Airport staff to the use of shotguns only, which had proven ineffective in removing all of the deer and coyote sized animals from the premises. He said that while the deer population had been primarily eradicated, coyotes were running rampant on the property and required more effective attention. Mr. DeGraw advised that the agenda included a copy of the letter he had received from the USDA (United States Department of Agriculture) which suggested that the use of a rifle, rather than a shotgun, would more safely and effectively remove the animals in a humane manner. He then assured the Committee that specialized training was available through the USDA, as well as the County Coordinator for Hunter Safety, for rifle use and that only one employee would receive the specialized training and be authorized to use the rifle.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to approve the request to amend Resolution No. 160 of 2006 and the Firearms Policy as outlined above and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. DeGraw advised that Agenda Item 6 consisted of an update on land acquisitions for property surrounding the Airport. He distributed a detailed listing of five properties, as well as a map reflecting the sites described, which the Committee then discussed extensively. *Copies of both the listing of properties and the accompanying map are on file with the minutes.* During this discussion, William Lamy, Superintendent of Public Works, advised of the possible expansion of AngioDynamics, and he noted that he had asked Mr. DeGraw to include a copy of the Notice of Public Hearing regarding the expansion in the agenda as it had the potential to affect Airport property. It was the consensus of the Committee that Mr. DeGraw should review the properties surrounding the Airport with the Town of Queensbury to determine any pending or proposed construction thereon that might affect the Airport and present his findings at the next Committee meeting.

Mr. Dusek returned to the meeting at 10:10 a.m.

Mr. Dusek stated that although he had been absent from the meeting during the discussion on Agenda Item 5, referring to revisions to the Firearms Policy, he felt obligated to advise the Committee of the high risk liability of the use of firearms at the Airport. He apprised that he had previously discussed the amendments requested with Mr. DeGraw and determined that Mr. DeGraw had thoroughly reviewed the Policy prior to suggesting the changes, which implemented some very good safety measures. Mr. Dusek stated that although it appeared that Mr. DeGraw had made every attempt to ensure safe use and handling of firearms onsite, the fact remained that use of firearms included a great potential for accidental injury. He added that although such use was not illegal, the liability for any potential incident would certainly rest with the County. Mr. Dusek noted that it was possible to contract with an independent company for animal removal services in order to alleviate the County of any potential liability, although this would be a more expensive solution. He concluded that it was his intent to make the Committee aware of these issues as they might have some bearing on the decisions made.

Mr. Lamy stated that one advantage of not contracting the services to a third party was taking advantage of targets of opportunity when employees were working and were able to eradicate wildlife on the spot rather than trying to schedule such removal. Mr. Dusek stated that while there was no question that the animal issues had to be addressed there was a choice in how they chose to address them.

Mr. Lamy advised that the procurement of a rifle for use at the Airport was a second issue surrounding this matter. He said that they had previously discussed the possibility of gaining a weapon from the supply commonly destroyed at the Sheriff's Department but had found that due to a technicality, this was not possible. Mr. Lamy advised that they were seeking permission to purchase a small caliber weapon with a scope, as he was unsure if Committee approval was necessary due to the sensitive nature of the purchase. He noted that an alternative option would be to allow the employee chosen for the job to use their own personal weapon; however, he said, he felt that the weapon should be purchased and maintained by the County. Mr. Dusek agreed with Mr. Lamy's statement, noting that the County's ownership and maintenance of the weapon would guarantee that it was kept in proper working order. Mr. Dusek added that mandating proper training of the employee using the gun would add to the County's security in knowing they had taken every possible step to ensure the safest operation of the weapon.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to authorize Mr. DeGraw to purchase a small caliber rifle with a scope for use by trained personnel at the Airport. *A copy of the resolution request form is on file with the minutes.*

Resuming the agenda review, Mr. DeGraw advised that Item 7 referred to a request from Christopher J. Hatin, General Manager of Bushwacker Aircraft Company, LLC, to lease an unused building on the County-owned Fisher Farm. He added that a copy of the letter received from Mr. Hatin was included in the agenda and listed the short-term leasing arrangement he proposed. Mr. DeGraw stated that this item had been presented only to notify the Committee of the request as no action could be taken until further research was performed to determine the historic value of the property and the way in which the lease would be written. He noted that a public bid for the use of this property might be required; however, he said, he would further advise the Committee of this issue at their next meeting.

Mr. DeGraw apprised that Agenda Item 10, listed under the Old Business section, pertained to an update on the Request for Proposal (RFP) issued for a Fixed Base Operator (FBO) at the Airport. He stated that the RFP was currently being reviewed by the County Attorney's Office and should be ready for presentation at the next

Committee meeting.

Referring to Agenda Item 11, Fire Training Center update, Mr. Belden advised that he had recently received notice from Patricia Nenninger, Second Assistant County Attorney, that the desired information on the placement of the Training Center had not been received from the FAA as anticipated. Therefore, he said, they would be forced to call a special Committee meeting to discuss the matter once the appropriate information was received.

Proceeding to Agenda Item 12, Referrals, Mr. DeGraw presented the listing of items pending from prior Committee meetings, which he detailed as follows:

- 1) Mr. DeGraw advised that he was currently working with the County Attorney's Office on the legal action authorized by the Committee to determine the validity of an easement on the Chartrand parcel;
- 2) With respect to the development of a concrete washpad with dual drainage to comply with SWPPP (Storm Water Pollution Prevention Plan), Mr. DeGraw said that he was currently working with Jeffrey Tennyson, Deputy Superintendent of Engineering, on this project. He noted that they had chosen a tentative location for the washpad and were now developing its layout, which would be subject to approval by both NYSDEC (New York State Department of Environmental Conservation) and the Town of Queensbury. Pursuant to Mr. Belden's inquiry, Mr. DeGraw advised that the use of the washpad would be offered as a free, self-serve benefit provided by the County;
- 3) The RFP for the FBO contract was discussed previously;
- 4) Regarding a request to use Airport property for a monthly car club meeting, Mr. DeGraw asked that this item be removed from the listing of pending items as he had received no response from this group;
- 5) Mr. DeGraw advised that Mr. Lamy was currently working to determine whom would be best appointed as a replacement to Marshal Stevens, former Airport Manager, on the NYSAC (New York State Association of Counties) Public Safety Committee. He added that the Committee would be advised of his decision at a future meeting;
- 6) Information regarding the Fire Training Center was given by Mr. Belden previously in the meeting;
- 7) Mr. DeGraw apprised that a referral had been made by the Occupancy Tax Committee suggesting that the Public Works Committee consider asking the Balloon Festival Committee to request Occupancy Tax funding for rental of lights and portable restrooms for the Adirondack Balloon Festival, as well as to consider charging a fee for parking at the Airport during the event to offset costs incurred. Mr. Lamy apprised that approximately \$33,000 was spent during the Balloon Festival for overtime and the costs of rented lights and portable restrooms, none of which was included in the 2008 Budget. Mr. Belden asked that Mr. Lamy prepare a written accounting of these costs for presentation at the upcoming Occupancy Tax Committee meeting.

Mr. Haskell stated that although he did not feel it was appropriate to remove the funds necessary to support the costs of the Balloon Festival from the DPW Budget, he also served on the Occupancy Tax Committee and did not think that there were sufficient funds to support the costs estimated by Mr. Lamy. Hal Payne, Commissioner of Administrative & Fiscal Services, pointed out that the Occupancy Tax Committee meeting had been called because approximately \$30,000 in Occupancy Tax funding was being returned to the County from events that

would not be held.

Mr. Tessier noted that there were other events that were not granted funding which should be supported before the Balloon Festival; therefore, they should not count on these funds. He said that while he agreed that the funding for the Balloon Festival should not be coming from the DPW Budget, it should have been included somewhere in the 2008 Budget, which it had not.

Mr. Stec suggested that an appropriate way to offset the costs might be to charge a nominal fee for parking, which he did not feel would deter attendance of the event. He said that although he could understand the position of the Balloon Festival organizers in wanting to maintain this as a free event, it was costing the County money and they should have the right to offset those costs. Mr. Lamy pointed out that there were considerable issues with traffic congestion during the event currently and these issues would be compounded by stopping each vehicle to charge for parking on the way in. Mr. Stec said that they might avoid this by instead allowing cars to be parked and setting up a gate where each person would be charged upon entering the Airport.

Discussion ensued with respect to the matter.

Donald Hess, City of Glens Falls resident, addressed the Committee, announcing that the Young Eagles event would be held at the Airport on June 14, 2008 from 9:00 a.m. to 3:00 p.m. He said that the antique airplanes would be on display and children ages 8 through 17 would be given free airplane rides with parental permission. Mr. Hess apprised that the FBO had donated 200 gallons of gasoline for the event, for which they were very appreciative.

As there as no further Airport business to present, Mr. Belden announced that the Committee would recess briefly.

Mr. Dusek left the meeting at 10:31 a.m.

Committee recessed from 10:26 a.m. to 10:31 a.m.

Upon reconvening, privilege of the floor was extended to Mr. Lamy to begin the DPW portion of the Public Works Committee meeting. Mr. Lamy distributed copies of the DPW agenda to the Committee members, a copy of which is on file with the minutes.

Mr. Lamy advised that page one of the agenda included a letter of appreciation from Amy Clute, Self-Insurance Administrator, thanking everyone involved in the effort to remodel her offices, especially the Buildings and Grounds crew that had performed the construction. Mr. Payne noted that he had received a similar complimentary letter from the Civil Service Office regarding the remodeling efforts in their area.

Mr. Haskell stated that in the future, Departmental remodeling requests should be presented to the County Facilities Committee for approval prior to beginning such projects and Mr. Payne advised that these had been considered emergency renovations necessary to address safety and security concerns subsequent to unfavorable dealings with a client of the neighboring Building Code Enforcement Office. He added that all Department Heads had been instructed to bring any renovation projects to the County Facilities Committee for approval.

Agenda page two, Mr. Lamy stated, reflected a request to increase Capital Project No. H283.9550 280, Public Works Equipment, in the amount of \$195,000. He explained that at the previous Board meeting a resolution had been approved to amend the total of the bond associated with the Capital Project, and those funds now needed to be transferred in order to complete the equipment purchases.

Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to approve the request to increase Capital Project No. H283.9550 280, Public Works Equipment, in the amount of \$195,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy apprised that a request to increase County Road Project D5112-8094.2, Peaceful Valley Rd. (CR#29), in the amount of \$45,000 was included on page three of the agenda. He reminded the Committee that as per discussion in prior meetings, the addition of a turning lane on Peaceful Valley Road was necessary to address congestion caused by traffic leaving Gore Mountain during the ski season. Mr. Lamy added that the source of funding for this project would be the increased CHIPS (Consolidated Highway Improvement Program) reimbursement received from the State.

Mr. Goodspeed asked when the project would be completed and Mr. Lamy replied that, although a specific date had not been identified, he expected the project to be completed within 2008. Mr. Lamy advised that Mr. Tennyson was working with George VanDusen, Project Engineer, to determine ROW and design issues. Mr. Tennyson added that a survey of the property had already been performed and the design process was underway.

Motion was made by Mr. Goodspeed, seconded by Mr. Bentley and carried unanimously to approve the request to increase County Road Project D5112-8094.2, Peaceful Valley Rd. (CR#29) in the amount of \$45,000, as outlined above, and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy distributed copies of the updated 2008 Paving Schedule which he noted was dependent upon weather, supply and equipment availability; *a copy of the Paving Schedule is on file with the minutes.* He added that although the initial schedule had been altered to meet some individual project needs, the paving projects were going well and were proceeding on schedule. Mr. Lamy stated that due to the rising fuel and supply costs, the road paving mileages listed had been decreased from the initial projections in order to maintain the 2008 Budget. He apprised that the costs of paving had increased approximately 10% above the bids approved for paving projects, and that those increases were attributed mainly to rising fuel costs. In addition, Mr. Lamy stated, he expected to expend the entire fuel budget by Labor Day, due to rising fuel costs and the additional fuel used during the beginning of the year in the snow and ice season, and would be returning to the Committee to determine how the fuel would be funded for the remainder of the year.

Mr. Lamy directed the Committee to page four of the agenda which included a request to authorize the completion of a new application with Hannaford Supermarket for the purchase of supplies for meals as needed, as set forth in Resolution No. 331 of 2007. He explained that Resolution No. 331 authorized the purchase of meal supplies for DPW employees at their respective sites, when appropriate, in lieu of meal allotments. Mr. Lamy added that Hannaford Supermarket had instituted a new purchasing procedure which necessitated the completion of a new application.

Mr. Belden asked how the meal budget was determined for the purchase of meal supplies during these special instances and Mr. Lamy replied that the per person meal allotment and the number of employees being fed were

used to determine the amount of money that would be spent on supplies for meals to be prepared by the employees.

Motion was made by Mr. Stec, seconded by Mr. Tessier and carried unanimously to authorize Mr. Lamy to complete a new application with Hannaford Supermarket for the purchase of meal supplies, as outlined above, and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

Proceeding with the agenda review, Mr. Lamy advised that page five reflected a request for a new contract with Mead's Nursery to purchase and plant trees as part of a screening barrier adjacent to Meadowbrook Road in the Town of Queensbury. He added that the cost of the contract would be \$6,480 and would include the purchase and planting of nine trees. Mr. Lamy advised that an issue had arisen with the redesign of the Meadowbrook Road Project allowing the headlights of passing traffic to shine directly into the adjoining property owners' homes. He explained that a berm had been built and some trees planted in an attempt to alleviate this issue; however, he said, these measures had proven insufficient to solve the problem and it had been determined that additional trees would be necessary to complete the screening barrier. Mr. Lamy noted that the funds for the contract were available within the Road Fund Project.

Mr. Geraghty stated that the prices for the trees seemed excessive and he asked if alternate quotations had been sought for these services. Mr. Lamy replied affirmatively, noting that the prevailing wage rates included in the quotation were responsible for inflating the contract cost. Mr. Geraghty then asked if the trees could be planted by County staff to reduce the costs and Mr. Lamy replied affirmatively; however, he noted, there were no arborists on County staff and the trees only included a warranty if planted by Mead's Nursery staff. Mr. Lamy added that this was the final step in the Meadowbrook Road Project and was required to finish the project and appease the surrounding residents.

Discussion ensued with respect to the matter.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to approve the request for a new contract with Mead's Nursery in the amount of \$6,480 for the purchase and planting of nine trees as outlined above and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy directed the Committee to agenda page six which included a map of a portion of Bay Road (CR#7) reflecting both the current location of the road and its location in 1955, prior to realignment. He said that he had received a request from the adjoining property owner asking that the County re-establish their needed boundary and allow the property owner to acquire the excess property. Referring to the map, Mr. Lamy advised that the area between the resident's property line (*marked in orange*) and Bay Road belonged to the County and that the resident wished to acquire any property unwanted by the County between these points. He said that his engineering staff had yet to determine the extent of the property desired by the County; however, he noted, if there was any excess the property owner's surveyor would prepare an acquisition map similar to the ones developed in other such situations. Mr. Lamy stated that this item required no Committee action currently and had been presented for informational purposes only.

Discussion ensued with respect to the matter.

It was the consensus of the Committee that Mr. Lamy and his staff should continue to work on this issue to determine if there was any excess property available and keep the Committee abreast of the situation.

Mr. Lamy announced that the next agenda item pertained to an advisement on the County-owned fuel tanks located in North Creek. He explained that pursuant to a NYSDEC inspection of the site the County had been cited for violations of paperwork issues, as well as for some color coded pipes whose paint had faded over the winter season. Mr. Lamy stated that he and his staff were working to correct these issues and although he did not currently have a total cost of these citations, he would return to the Committee once a total was available. Mr. Belden asked if NYSDEC had given a deadline by which these issues had to be addressed and Mr. Lamy replied affirmatively, advising that all work had to be finished prior to June 12, 2008.

As the next two agenda items required County Attorney input, Mr. Lamy advised that they would delay their review until Mr. Dusek returned to the Committee meeting. In response to Mr. Lamy's direction, Mr. Tennyson proceeded with the agenda review, which continued on page 10 with a request to amend the existing contract with Barton & Loguidice, PC in the amount of \$367,000 for Capital Project No. H277.9550 280, Beach Road Reconstruction, to move the project into the design phase. He apprised that he expected the amount of the amended contract to decrease slightly as NYSDOT had questioned some minor charges listed in the estimate during their review.

Motion was made by Mr. Champagne, seconded by Mr. Bentley and carried unanimously to approve the request to amend the existing contract with Barton & Loguidice, PC in the amount of \$367,000 as outlined above and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

In connection with the request to amend the contract with Barton & Loguidice, PC, Mr. Tennyson stated that he anticipated receipt of an amendment to the NYSDOT Master Agreement which would incorporate the additional contract fees. In order to avoid the submission of a post-Committee request, Mr. Tennyson asked that the Committee approve the anticipated supplemental NYSDOT Master Agreement for presentation at the upcoming Finance Committee meeting.

Motion was made by Mr. Haskell, seconded by Mr. Goodspeed and carried unanimously to approve the anticipated supplemental NYSDOT Master Agreement in the amount of \$367,000 for Capital Project No. H277.9550 280, Beach Road Reconstruction, and refer same to the Finance Committee.

Mr. Tennyson apprised that agenda page 13 consisted of a request for a new contract with Creighton Manning Engineering, LLP for a total amount not to exceed \$278,000 for consultant services on the Alder Brook Road Bridge Project. He said that this Project would also be incorporated into a grant agreement with NYSDOT and although he had yet to receive the NYSDOT Master Agreement, he anticipated that it would be received prior to the upcoming Finance Committee meeting.

Motion was made by Mr. Bentley, seconded by Mr. Haskell and carried unanimously to approve the request for a new contract with Creighton Manning Engineering, LLP for a total amount not to exceed \$278,000 for consultant services on the Alder Brook Road Bridge Project and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

Motion was made by Mr. Bentley, seconded by Mr. Haskell and carried unanimously to approve the anticipated NYSDOT Master Agreement in the amount of \$278,000 for the Alder Brook Road Bridge Project, pursuant to approval by the Superintendent of Public Works, and refer same to the Finance Committee.

Proceeding to page 17 of the agenda, Mr. Tennyson presented a copy of the letter received from Bernie Hill, President of EZ Marine and Storage Inc., regarding a proposed transfer of unused County property located in the Town of Horicon. He reminded the Committee that they had discussed this issue at the last Committee meeting, as well as the initial appraisal amount given by the Director of Real Property Tax Services for the value of the property. Mr. Tennyson advised that the appraisal amount had been forwarded to the prospective buyer, who had returned a \$1,500 counteroffer based on the history of costs for similar property transfers made by the County. He said that he had provided the County Attorney's Office with all of this information as the process had reached a stage where further negotiations were necessary to achieve an acceptable transfer amount for the property.

Mr. Haskell stated that since the owners of EZ Marine and Storage Inc. had contacted the County requesting purchase of the property, they should be paying the amount set by the County rather than presenting a counteroffer. He added that he did not feel it was prudent to spend additional time and monies to negotiate a purchase price for the property when a value had already been set.

Mr. Bentley noted that the appraised value had been set at \$22,000, which he felt was an outlandish estimate as the property consisted only of a ditch and was unusable to anyone but the adjoining property owner, who was seeking acquisition of the property. Furthermore, he pointed out that a similar piece of property had been transferred by the County previously for a cost in the neighborhood of \$600 and he did not understand why the values were so vastly different.

Subsequent to discussion on the matter, it was the consensus of the Committee that a mistake may have been made in appraising the parcel in question and that the matter should be referred to the Real Property Tax Services Director to confirm the value established, as well as to authorize the County Attorney to proceed with the property conveyance once an appropriate value had been established. *(Note: Subsequent to the meeting Michael Swan, Director of Real Property Tax Services, confirmed that a typographical error had been made in his appraisal and that the value of the property was actually \$2,200, rather than \$22,000.)*

Mr. Dusek returned to the meeting at 11:02 a.m.

Mr. Lamy advised that the next agenda item pertained to the MS4 Stormwater Management Plan and the public update necessary to satisfy NYSDEC requirements. Mr. Lamy then introduced Mr. VanDusen to proceed with the update.

Mr. VanDusen advised that his update was necessary as part of the Annual Report that would be forwarded to NYSDEC within the month of June for the interval beginning March 1, 2007 and terminating April 30, 2008. He explained that phase two of the MS4 Stormwater Management Plan, including the adoption of the Management Policy and an Illicit Discharge Law, had been completed and they were now beginning phase three, which would include a two-year interim permit and subsequently return to a five-year permitting term. Mr. VanDusen said that the Lake Champlain/Lake George Regional Planning Board and Up Yonda Environmental Farm staff had provided portions of the public outreach and education components of the project that portrayed

the benefits of a saltwater conservation district.

Mr. Belden asked if the Stormwater Management Plan was being implemented on a State-wide basis and Mr. VanDusen replied affirmatively, adding that such Plans were being required State-wide for stormwater management in areas identified through consensus to be urbanized. Mr. Belden asked if any State funding had been received for the Stormwater Management Plan as it was mandated by the State and Mr. VanDusen replied that \$100,000 had been granted to the Lake Champlain/Lake George Regional Planning Board to assist in getting the Plan started through a regional effort. However, he added, no funds had been granted directly to Warren County for the MS4 Stormwater Management Plan.

Mr. Dusek pointed out that the Local Law adopted by the County relating to the Stormwater Management Plan required the implementation of a Stormwater Management Officer, which might be shared with the Town of Queensbury, and he noted that the implementation of this position was critical as it was included in the adopted Plan. He advised that due to the lack of this position, the County was technically not in compliance and he hoped that this matter would be addressed before any issue arose with the State.

Discussion ensued with respect to the matter.

It was the consensus of the Committee that Mr. Dusek should contact the attorney's for the City of Glens Falls and the Town of Queensbury to discuss the development of a Stormwater Management Officer position to be shared between the Town, City and the County and to return to the Committee with his findings.

Resuming the agenda review with an update on the Gaslight Village property, Mr. Lamy advised that he had toured the property with the Auctioneer hired by the County to determine what items could be auctioned online. He said that during this review he had been advised that there were not as many items of value as initially thought; however, he said, the Auctioneer had taken photographs of those items that could be listed online for sale.

Mr. Belden advised that he had recently visited the Gaslight Village property and had been very impressed with the efforts of the Town of Lake George staff in cleaning the buildings. He said that they had also found that some of the buildings were in quite good shape and should not be demolished as originally thought and Mr. Tessier agreed.

Discussion ensued with respect to the Gaslight Village property.

As Mr. Dusek had re-joined the meeting, Mr. Lamy directed the Committee to page seven of the agenda which reflected a copy of the letter received from Robert Blais, Mayor of the Village of Lake George, requesting closure of Beach Road during the upcoming Americade event. He advised that he had delayed presentation of this item until Mr. Dusek had returned to the meeting to determine if he, as Superintendent of Public Works, had the authority to grant such a request. Mr. Dusek replied that there was no legal authority for Mr. Lamy, or for the County, to close the road and the request should have been presented to the Sheriff's Office, as the Sheriff had the authority to direct traffic or close roads in the interest of public safety and management of traffic conditions. He added that it was not appropriate to close the road in order to use it as parking or something of a similar nature.

In light of Mr. Dusek's statements, Mr. Belden advised that Mr. Lamy should contact Mayor Blais immediately to advise that his request had to be presented to the Sheriff's Office and Mr. Lamy agreed that he would do so. Similarly, Mr. Lamy noted, he had been made aware of plans to redirect traffic during the Fire Chiefs' Convention and he asked if he should direct any surrounding requests or inquiries to the Sheriff's Office also and Mr. Belden replied affirmatively.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to authorize Mr. Lamy to direct inquiries on road closures during the Americade and Fire Chiefs' Conventions to the Sheriff's Office.

Mr. Lamy stated that the final New Business item listed on the agenda referred to discussion on the procedure for approval of contracts. He explained that there were a considerable number of resolution requests presented each month for approval of low cost contracts and he suggested that a blanket resolution be authorized to expand the authority to allow for some contracts to be entered into without separate resolutions. Mr. Lamy cited examples from the May Board meeting, wherein resolutions for two separate contracts, each totaling less than \$1,000, were required in order to gain necessary services. He stated that the inclusion of a resolution authorizing such contracts to be entered into without individual resolutions lending approval would save time for himself, his staff and the Committee.

Mr. Dusek suggested that the blanket resolution be written to include a figure limiting the amount of the contracts that could be authorized without Committee approval. In addition, he said, the resolution should specify that the funds necessary to cover the contract costs be available within the existing Departmental Budget and that the County Purchasing Policy be followed.

Discussion ensued.

Motion was made by Mr. Stec, seconded by Mr. Goodspeed and carried unanimously to authorize a blanket resolution allowing contracts of less than \$5,000 to be approved by Mr. Lamy, provided that the County Purchasing Policy was followed and that the funds were available in the existing DPW Budget and the necessary resolution was authorized for the June 20th Board meeting.

Concluding the agenda review, Mr. Lamy reviewed the listing of items pending from prior Committee meetings, which he detailed as follows:

- 1) With respect to the Corinth Road Reconstruction Project, Mr. Lamy advised that the ROW process was underway and he expected construction to begin on the Project during the spring of 2009;
- 2) Budget Performance Report - this item was not addressed as the Report is presented at the end of each quarter;
- 3) Mr. Lamy advised that he had no update for the Committee on the impact to the County from the Queensbury Avenue Sanitary Sewer District rate increase;
- 4) Regarding costs and time associated with work requested by NYSDEC at Scaroon Manor, Mr. Lamy apprised that he had no update for the Committee as NYSDEC had yet to make any such recent requests for assistance;
- 5) This item pertained to the addition of a turning lane on Peaceful Valley Road which was discussed earlier in the meeting;

- 6) Mr. Lamy stated that he had researched the use of the Ciba Geigy Property to determine if there were any unauthorized uses of the property as requested by the Committee. He advised that the property was being used as a staging area for companies handling recycling containers, including both their own and those owned by the County. Mr. Lamy said that the practices being used had not changed since the County had been responsible for the recycling center some years ago. He added that although there were vehicles coming in and out of the property to exchange recycling containers, he was unaware of any that were being parked on the property overnight.

Mr. Goodspeed commented that in his opinion he found the Committee structure to be unduly cumbersome and he noted that some of the Department Heads insisted on having a Committee meeting each month whether it was needed or not. He said that he wanted to be able to depend on the Department Heads to do their jobs, rather than having each menial item presented for discussion and Committee action. If these practices were followed, Mr. Goodspeed noted, the agendas would be much shorter and the Committee meetings shorter, as well. Mr. Champagne agreed and added that he felt the meeting minutes were too long and could be shortened considerably through summarization as they were in other Counties.

Mr. Haskell commended the County DPW crews for the paving work done in the Town of Thurman recently. He said that they had done an excellent job and he commended them for their efforts. Mr. Lamy thanked Mr. Haskell for his compliment which he said he would pass on to his staff.

As there was no further DPW business to present, Mr. Belden announced that the Committee would take a short recess.

Committee recessed from 11:26 a.m. to 11:31 a.m.

Upon reconvening, privilege of the floor was extended to Mr. Lamy who distributed copies of the Warren County Sewer agenda, a copy of which is on file with the minutes.

Mr. Lamy advised that the work required at the Town of Hague Sewer District was underway and he noted that documents had been forwarded to the EPA (Environmental Protection Agency) for a categorical exclusion for the pump station and force main. He said that once a favorable response to this request was received, the engineering plans and specifications would begin.

Mr. Lamy apprised the Committee that the Hague Sewer District project had faced delays because although Clough, Harbour and Associates (CHA) had prepared all of the pertinent documentation to begin the bidding process, the maintenance and protection of traffic requirements imposed by NYSDOT had changed between the issuance of permits for the project leading to the necessity for CHA to make changes to the plans and specifications. He said that once the changes were completed the project would go to bid and he expected a four week response time before the bids would be opened. Mr. Lamy stated that the delay in the receipt of bids was caused through no fault of CHA, but rather because they had been required to respond to an NYSDOT issue. He then recommended that the Committee approve a resolution to award the construction contract for the Town of Hague Sewer Project to the lowest responsible bidder, pending EPA approval and Engineer recommendation, so that the item could be approved by the full board at their June meeting, rather than delaying approval until the July meeting.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the request to authorize the Chairman to approve construction contracts with the lowest responsible bidder for the Hague Sewer District No. 2 sewer extension pending EPA approval and Engineer recommendation, and the necessary resolution was authorized for the June 20th Board meeting. *A copy of the request is on file with the minutes.*

As there was no further Warren County Sewer business to present, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad Department, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Butler noted that Mark McLain, of the South Warren Snowmobile Club, would present a report on revenues and expenditures for each of the four clubs. He added that he would like to skip this item until Mr. McLain was present. He explained that this information was necessary for the preparation of the 2009 Parks, Recreation & Railroad budget. Mr. Stec advised that the Snowmobile Clubs should be allotted the same amount as in previous years.

Mr. Butler stated that he would also request to skip Agenda Item 2 until William Lamy, DPW Superintendent, was present. He added that the Committee would need to enter into an executive session to discuss that item.

Mr. Butler requested to amend the 2008 County budget to increase estimated revenues and appropriations in the amount of \$1,593, to reflect the receipt of additional New York State Snowmobile Grant funds. He explained that the Hague Snow-Goers trails had originally been assessed at seven miles; however, he added, an additional seven miles of trails had been included.

Motion was made by Mr. Champagne, seconded by Mr. Haskell and carried unanimously to amend the 2008 County budget, as outlined above and to forward same to the Finance Committee. *A copy of the resolution request is on file with the minutes.*

Messrs. Lamy and McLain entered the meeting at 12:00 p.m.

Mr. Butler advised the New York State Department of Transportation (NYS DOT) had awarded the Town of Corinth \$1 million in grant funding to complete repairs to the Adirondack Branch between the Town of Saratoga and the Town of Corinth. He added that the grant request had included funds for the Antone Mountain Road crossing signals.

Mr. Butler informed the Committee that he had spoken to Robert Hanson, Acting Regional Director of Planning and Program Management for NYS DOT Region One, with regards to the Safe, Accountable, Flexible, Efficient Transportation Equality Act (SAFTEA), who had informed him that the Warren County Railroad right-of-way improvements and station projects were not eligible for this type of funding. He explained that the purpose of this grant funding was not for rehabilitation of track.

Mr. Butler reported that there was a letter included in the agenda packet from Congresswoman Kirsten Gillibrand that explained that she had been unable to submit the request for \$2 million in funding for the Adirondack Rail Corridor for fiscal year 2009. He added that over 250 requests for funding had been received.

Mr. Butler apprised that he had spoken with John Madden, Civil Engineer for the NYS DOT, and had been

informed that two new funding streams would become available for railroad improvements. He said that he would have more information in the next couple of weeks and added that the grants would have a 60-day turnaround. He said that one of the funding streams was a NYS Grant program with no local match required and the other was a Bond with a minimum of 10% local matching funds. He added that the NYS Grant would require that the track be maintained commensurate with use for a period of ten years and the Bond required a period of thirty years. He stated that he would present the Grant and Bond applications to the Committee when he had further information.

Mr. Butler informed the Committee that Joel Beaudin, of Upper Hudson Festivals Inc., had requested use of the Kellogg Property on July 25th, August 29th and September 19, 2008 for concert performances. He noted that a resolution would not be required; however, he added, he would issue a County Facility Use Permit and ensure that the proper insurance and indemnities were in place.

Mr. Belden asked if the Open Space Institute had transferred ownership of the Kellogg property to the County and Paul Dusek, County Attorney, responded that the County was awaiting a usage study, which once completed would be incorporated into the agreement and the County would take ownership. Mr. Butler advised that there would be a public meeting at the Tannery Pond Community Center on Thursday, May 29, 2008 at 7:00 p.m. and added that he would be attending that meeting.

Mr. Butler reported that along with Mr. Lamy, he had met with Jack Arehart, owner of 1,000 Acres Resort in the Town of Stony Creek, to discuss the prospect of a covered railroad platform near his property. He said that Mr. Arehart was very interested and he would follow up with him after discussing the issue with the Committee. He noted that it would be a very simple platform that could be at grade or just a platform for the purpose of exiting the trains. Mr. Belden voiced his opinion that the Town of Stony Creek would become the biggest stop on the railroad. He said that he had attended the Warren County Council of Chambers meeting last week, which had been held at 1,000 Acres Resort and there had been in excess of 350 guests. Mr. Lamy stated that they would come up with a plan for the site and a proposed budget for the project and present it to the Committee at a later date.

Chairman Monroe entered the meeting at 12:03 p.m.

Mr. Butler apprised that the Antone Mountain Road Signal Crossing Project had gone out to bid on May 22, 2008 and the bid opening would be June 5, 2008. He said that the project's purpose was to restore the crossing to its original state so the Federal Railroad Administration (FRA) would allow the railroad to operate further south. He added that currently it was illegal for the railroad to be operated beyond that point. Mr. Belden asked if the funds were within the budget and Mr. Butler responded that the Committee had previously discussed a County contribution of \$7,500 for the project with another \$7,500 being contributed by the Town of Corinth.

Mr. Belden advised that the Committee would need to enter into an executive session in order to discuss the employment history of a particular person.

Motion was made by Mr. Stec, seconded by Mr. Tessier and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 12:04 p.m. to 12:15 p.m.

Committee reconvened.

Mr. Lamy requested authorization to fill the vacant positions of Fish Management Specialist, base salary of \$34,016, Employee No. 10909 and Hatchery Aide, base salary of \$22,988, Employee No. 10915, noting both positions were vacant due to resignation.

Motion was made by Mr. Bentley and seconded by Mr. Haskell to authorize the filling of the vacant positions, as outlined above and to forward same to the Personnel Committee.

Mr. Stec asked what the annual budget for the Fish Hatchery was and Mr. Lamy responded that it was built into the Parks, Recreation & Railroad budget. Mr. Lamy stated that there were only two employees who worked at the Fish Hatchery during fish cultivation. He added that when it was time to stock the fish, they 'borrowed' personnel from every available resource to ensure that the fish were stocked in a timely manner. Mr. Stec advised that if the Fish Hatchery employed two people and both of those positions were vacant, this would be the best time for the County to decide if they wanted to continue to be in the fish business. Mr. Bentley stated that he felt it was an important service to the community. Mr. Taylor asked if the State had a Fish Hatchery and if so, would they be able to stock the lakes. Mr. Belden responded that the State had previously stocked the lakes but had done an inadequate job. Mr. Butler noted that Essex County had a County-operated Hatchery, as well. He added that the Warren County Fish Hatchery property had been transferred to Warren County from the NYS Department of Environmental Conservation (DEC) for one dollar. He said that if the property was not used for the purpose of cultivating fish, ownership would revert back to the State. He stated that the property was multifaceted and was not used solely for the purpose of cultivating fish for the lakes. He apprised that if the property reverted back to the State, the County would need to find new property, offices, storage for equipment and a replacement recreation area. He added that the recreation area was booked for the entire summer and they had begun booking for next summer, as well.

Mr. Belden advised that since the Fish Hatchery needed to be manned seven days per week, two part-time employees could be utilized. Mr. Lamy responded that the employee who operated the Fish Hatchery needed to have the technical expertise to do so. He added that the employee who had just resigned had been a trained professional in operating a fish hatchery. He said that he would like time to meet with Mr. Butler to identify the specific needs of the Fish Hatchery staff. Hal Payne, Commissioner of Administrative & Fiscal Services, stated that the budget for the Fish Hatchery was included in the Parks, Recreation & Railroad budget, which totaled \$781,000. He added that the two employees of the Fish Hatchery had been budgeted at \$60,000 per year. Mr. Belden noted that benefits for the two employees would cost the County an additional \$40,000 per year. Mr. Payne asked how much had been budgeted for fish food and Mr. Butler responded that \$14,000 had been budgeted but he did not feel the full amount would be necessary.

Mr. Belden called the question and the motion was carried unanimously to authorize the filling of the vacant positions, as outlined above and to forward same to the Personnel Committee. *Copies of the Notices of Intent to Fill Vacant Position are on file with the minutes.*

Mark McLain, of the South Warren Snowmobile Club, distributed copies of the Warren County Association of Snowmobile Clubs, Inc. 2007-2008 budget to the Committee members; a copy of which is on file with the minutes. He thanked the Committee for the support that the County gave to the Clubs. He apprised that last year the area had received an early snowfall and had great snow throughout the season. He stated that the Clubs

had brought in thousands of snowmobilers who had previously frequented the Quebec area. He said that *The Snowgoer Magazine* would be coming in January or February to do an article on the Warren County snowmobile system, noting that Warren County's snowmobile system rivaled Quebec's in quality of the trails, if not in total miles of trails. He advised that the four clubs met at the end of each year to determine where they were financially. He noted that the amount of State aid that was received had decreased yearly and reminded the Committee that \$1 million had been 'swept' from the NYS Snowmobile Trail Fund to be used to help balance the State budget. He reported that the Clubs were not requesting additional funds from the County and added that their hope was that the County would continue to provide the amount of funding that had been received in previous years.

Mr. Butler requested authorization to rent portable toilets for the Thurman Station and the Warren County Bike Path. He said that he had received several requests for restrooms in these areas. Mr. Belden asked if the funds were available within the budget and Mr. Butler replied affirmatively and added that portable toilets were placed at these locations every year.

Motion was made by Mr. Stec, seconded by Mr. Haskell and carried unanimously to authorize a contract with IBS Septic and Drain Service, Inc. for portable toilet rental with servicing once per week, commencing upon execution of the agreement and terminating on November 30, 2008, for a total amount not to exceed \$2,500.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Stec and seconded by Mr. Haskell, Mr. Belden adjourned the meeting at 12:25 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist
Charlene DiResta, Legislative Office Specialist